

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

TERRY DEWAYNE GREEN,

Petitioner,

v.

**ALEXIS CHASE, and the STATE OF
GEORGIA,**

Respondents.

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**Civil Action No.
5:08-CV-68 (CAR)**

**ORDER ON THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is the United States Magistrate Judge's Recommendation [Tab 11] that Respondent's Motion to Dismiss [Doc. 7] the present petition for lack of exhaustion of state remedies be granted. No Objection was filed, and having considered the matter, this Court agrees with the findings and conclusions of the United States Magistrate Judge. The Recommendation of the United States Magistrate Judge is therefore **ADOPTED** and **MADE THE ORDER OF THE COURT**. Respondent's Motion is **GRANTED**, and Petitioner's application for a federal writ of habeas corpus is hereby **DISMISSED** without prejudice.

SO ORDERED, this 20th day of January, 2009.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE

jlr